



05-16-05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

STROHECKER ET AL

Serial No. 10/629,333 Group Art Unit: (???)

Filed: 29 July 2003 Examiner: (???)

For: **GRINDER PUMP TANK**

* * *

PETITION TO REVIVE APPLICATION PURSUANT TO 37 CFR 1.137(b)

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

This petition is submitted together with the required fee under 37 C.F.R. 1.17(m) of \$750 (small entity), a copy of the Notice to File Missing Parts dated October 27, 2002, a copy of the Notice of Abandonment dated 26 October 2004 which resulted from Applicant's failure to file the missing parts, the missing parts themselves (Inventor Declaration, Basic Filing Fee and Amendment), and the requisite verified statement by the applicant, to revive the subject application which was unintentionally abandoned. A terminal disclaimer and additional \$65 (small entity) fee are also enclosed in accordance with 37 C.F.R. 1.137(d).

The present petition respectfully requests revival on the ground that the abandonment of the above-identified application was unintentional.

The subject application became abandoned for failure to respond to a Notice of

05/17/2005 ANOND/AF1 00000055-033565 10629333

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Inventor: STROHECKER ET AL
Serial No. 10/629,333
Page 2

Missing Parts due December 27, 2003 (signed inventor declarations, plus filing fee, plus replacement patent drawings). The Inventor's lapse in filing the Missing Parts was unintentional. Due to his failure to receive the undersigned attorney's letters reporting the missing parts obligation, the Applicant/Inventor did not know of the obligation, nor the consequences of failing to file the Missing Parts. Indeed, the Inventor/Applicant did not know that the application had gone abandoned until he finally recently received the Notice of Abandonment dated 26 October 2004. The Applicant/Inventor's failure to receive the undersigned attorney's letter reporting the missing parts obligation resulted from a combination of factors, including his own and his spouse's illnesses that distracted him from paying proper attention to business matters, including overseeing the patent paperwork. Moreover, the Applicant/Inventor spent a prolonged recovery in Florida during which time he had no access to papers sent by the undersigned patent attorney to his local mailing address in Maryland. As a result of the illnesses, and partly due to other business travel, the Inventor/Applicant has spent very little time since December 2003 at his local address in Maryland. Consequently, there was no one at his home to receive the Notice of Missing Parts, and he did not know about need to file the Missing Parts, nor the fact that the application had gone abandoned. He only recently received the Notice of Abandonment dated 26 October 2004, and immediately authorized the undersigned to revive the application. The undersigned immediately began preparation of the necessary Replacement Drawings, procured the signed inventor declarations, plus filing fees, and began preparation

Inventor: STROHECKER ET AL
Serial No. 10/629,333
Page 3

of the present Declaration and Petition to Revive. The undersigned has continuously and diligently been working to revive this application. While more precaution may have avoided the above-described abandonment, the extraordinary circumstances which caused the abandonment were beyond the Applicant/Inventor's immediate control and the abandonment was purely unintentional.

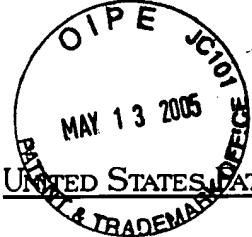
The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional."

In view of the above Petition and attached verified statement of the undersigned attorney, it is submitted that abandonment of this application was unintentional and that a favorable decision on this petition is in order. Accordingly, it is respectfully requested that the application be revived and the proposed response be considered.

Respectfully submitted,


Royal W. Craig
Attorney for Applicant
Reg. No. 34,145
Date 5/7/05

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Suite 153
10 N. Calvert St.
Baltimore, MD 21202



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/629,333	07/29/2003	James R. Strohecker	STROHECKER et al.-PA-1

LAW OFFICES OF ROYAL W. CRAIG
 SUITE 153
 10 NORTH CALVERT STREET
 BALTIMORE, MD 21202

CONFIRMATION NO. 6331
 ABANDONMENT/TERMINATION LETTER

OC000000014195928*

Date Mailed: 10/26/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 10/28/2003.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

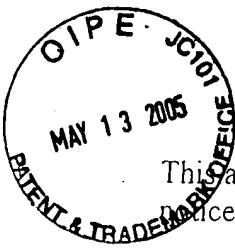
Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.

Request W. Strohecker
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Notice of Abandonment

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 10-28-03.

Petition to Withdraw the Holding of Abandonment

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

Petition to Revive an Abandoned Application

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.